

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SEVEN

UNITED STATES POSTAL SERVICE

Respondent

and

CASE 07-CA-135950

SOUTHWEST MICHIGAN AREA LOCAL 143,
AMERICAN POSTAL WORKERS UNION, AFL-CIO

Charging Union

FORMAL SETTLEMENT STIPULATION

I. INTRODUCTION

Through this formal settlement stipulation, the undersigned parties to this proceeding agree that, upon approval of this stipulation by the Board, a Board Order in conformity with its terms will issue and a court judgment enforcing the Order will be entered. The parties also agree to the following:

II. JURISDICTION

1. Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including facilities located in Southwest Lower Michigan and Kalamazoo, Michigan.

2. The Board has jurisdiction over Respondent and this matter by virtue of Section 1209 of Postal Reorganization Act, 39 U.S.C. Sect. 101 et. seq. (PRA).

III. LABOR ORGANIZATION STATUS

The American Postal Workers Union, AFL-CIO, (APWU) herein called the National Union, and the Charging Union, are labor organizations within the meaning of Section 2(5) of the Act.

IV. PROCEDURE

1. FILING AND RECEIPT OF CHARGES. On September 4, 2014, the Charging Union filed a charge in Case 07-CA-135950, which was served by regular mail on Respondent on the same date. Respondent acknowledges receipt of the charge.

2. ISSUANCE OF COMPLAINT. On October 24, 2014, the Regional Director for Region Seven of the Board issued a Complaint and Notice of Hearing in Case 07-CA-135950, alleging that Respondent violated the National Labor Relations Act. Respondent and Charging Union each acknowledge receipt of a copy of the Complaint and Notice of Hearing, which was served by certified mail and regular mail on October 24, 2014.

3. WITHDRAWAL OF ANSWER. By entering into this stipulation, the parties agree that the Answer to the Complaint filed by Respondent on or about November 7, 2014, is withdrawn.

4. WAIVER. All parties waive the following: (a) filing of an answer; (b) hearing; (c) administrative law judge's decision; (d) filing of exceptions and briefs; (e) oral argument before the Board; (f) the making of findings of fact and conclusions of law by the Board; and (g) all other proceedings to which the parties may be entitled under the Act or the Board's Rules and Regulations.

5. ENTIRE RECORD. The entire record in this matter consists of the following documents: this stipulation, the charge, and the Complaint and Notice of Hearing, are attached as Exhibits A through C.

6. ENTIRE AGREEMENT. This stipulation constitutes the entire agreement between the parties and there is no agreement of any kind, verbal or otherwise, that alters or adds to it. It is understood that the signing of this stipulation by Respondent does not constitute an admission that it has violated the Act.

7. SCOPE OF THE STIPULATION AND RESERVATION OF EVIDENCE. This stipulation settles only the allegations in the above-captioned case and does not constitute a settlement of any other cases or matters. It does not preclude persons from filing charges, the General Counsel from prosecuting complaints or the Board and the courts from finding violations with respect to matters that predate the date of the approval of this stipulation, regardless of whether those matters were known to the General Counsel or were readily discoverable. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case for any relevant purpose in the litigation of this or any other cases, and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to that evidence.

8. EFFECTIVE DATE: This stipulation is subject to approval by the Board and it does not become effective until the Board has approved it. The Regional Director will file with the Board this stipulation and the documents constituting the record as described above. Once the Board has approved the stipulation, Respondent will immediately comply with the provisions of the order as set forth below.

V. FACTS

1. The employees of Respondent described in Article 1 (Union Recognition) of the collective bargaining agreement between Respondent and the National Union described below in paragraph 2 (the Unit), constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

2. At all material times, Respondent has recognized the National Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective by its terms from November 21, 2010, through May 20, 2015.

3. At all material times, the National Union has been the exclusive collective bargaining representative of the Unit within the meaning of Section 9(a) of the Act.

4. At all material times, the Charging Union has been the designated servicing representative of the National Union for employees in the Unit employed at Respondent's Southwest Lower Michigan and Kalamazoo, Michigan facilities.

5. Since about the dates set forth below, the Charging Union has requested in writing that Respondent furnish the Charging Union with the following information:

	Dates of Request	Request No.	Description of Requested Information
a.	July 9 and July 29, 2015	4-14	i. Copy of any and all documentation regarding Bid # 95624792, 95688, 80, 95667013 and 95667012 and proof that these residual vacancies have been sent to the ADR Process. ii. Interview all clerks regarding duties of the Regional bid as well as, Karen Balci.
b.	July 9 and August 11, 2015	6-14	i. Request bid # 100 which scale schedule has been changed to b-10 relief date which

462

Dh/K

Dates of Request	Request No.	Description of Requested Information
July 29, 2014		Beale was assigned to take over the schedule.
c. August 22 and August 27, 2014	(11-11)	i. Interview all window clerks in Westwood and Miller Rd Office ii. Copy of posted document at Miller Rd which informs window personnel they must request a supervisor to get hold mail or parcels iii. Interview with supervisors Jim Klop, Karen Batch, and Jeff Chaille iv. Copy of Service talks given to employees at Miller Rd and Westwood regarding wait time in line
d. August 22 and August 27, 2014	(10-14)	i. Copy of any and all Form 56 for Nicholas Trayer since coming into the Post Office including appointment and subsequent appointments ii. Copy of just cause fact sheet for Trayer removal iii. Copies of any and all performance evaluations for Nicholas Trayer iv. Copy of all Customer Service Policy Form 56 since 2010 regardless of whether or not they are still employed by the USPS in customer service of the Ka-zamazon bid cluster v. Interview with Jan Weyrick L.D&D Specialist

6. The information requested by the Charging Union as described above in paragraph 5 is necessary for, and relevant to, the Charging Union's performance of its duties as the designated senior level representative of the exclusive collective bargaining representative of the Unit.

7. (a) From about July 29, 2014 to August 14, 2014, Respondent unreasonably delayed in furnishing the Charging Union with information requested by it as described above in paragraph 5(a).

[Handwritten signatures and initials]

(b) From about July 9, 2014 to September 25, 2014, Respondent unreasonably delayed in furnishing the Charging Union with information requested by it as described above in paragraph 5(b).

(c) From about August 22, 2014 to September 16, 2014, Respondent unreasonably delayed in furnishing the Charging Union with information requested by it as described above in paragraph 5(c).

(d) From about August 22, 2014 to September 17, 2014, Respondent unreasonably delayed in furnishing the Charging Union with information requested by it as described above in paragraph 5(d).

8. By the conduct described above in paragraph 7, Respondent has been failing and refusing to bargain collectively and in good faith with the Charging Union as the servicing representative of the exclusive collective-bargaining representative of the Unit in violation of Section 8(a)(1) and (5) of the Act and within the meaning of the PRA.

VI. ORDER

Based on this stipulation and the record as described above, and without any further notice of proceedings, the Board may immediately enter an order providing as follows:

Respondent, United States Postal Service, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Unreasonably delaying in furnishing the Charging Union with relevant requested information, or in any other manner interfering with, restraining, or coercing its employees in the exercise of rights guaranteed in Section 7 of the Act;

(b) Unreasonably delaying in furnishing the Charging Union with relevant requested information, or in any other manner refusing to bargain collectively and in good faith with the Charging Union as the servicing agent of the exclusive collective-bargaining representative of the Unit or any other other organization or its Kalamazoo branch facilities as listed below in paragraph 2(b);

2. Take the following affirmative action:

(a) Upon request, bargain collectively and in good faith with the Charging Union as the servicing representative of the exclusive collective-bargaining

representative for employees in the Unit employed at Respondent's Kalamazoo, Michigan area facilities, as described below in subparagraph (b).

(b) Within 14 days of service by the Region, post copies of the attached notice marked as Appendix A at the following facilities:

Kalamazoo Arcadia Branch	310 East Michigan Avenue, Kalamazoo
Kalamazoo P.O.	1121 Miller Road, Kalamazoo
Kalamazoo Parchment Branch	839 Commerce Lane, Kalamazoo
Kalamazoo Westwood Branch	167 North Lake Road, Kalamazoo
Post Office	7585 South 9th Street, Kalamazoo



Copies of the notice, on forms provided by the Region Seven, after being signed by Respondent's authorized representative, shall be posted by Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means if Respondent customarily communicates with its employees by such means. Respondent will take reasonable steps to ensure that such notices are not altered, defaced, or covered by any other material.

(c) Within 21 days after service of this order by the Region, file with the Regional Director a sworn certification by a responsible Respondent official attesting to the steps the Respondent has taken to comply.

VII. ENFORCEMENT OF ORDER

The United States Court of Appeals for any appropriate circuit may, on application by the Board, enter its judgment enforcing the Order of the Board in the form set forth above. Respondent waives all defenses to the entry of the judgment, including compliance with the Order of the Board, and its right to receive notice of the filing of an application for the entry of such judgment, provided that the judgment is in the words set forth above. However, Respondent shall be required to comply with the affirmative provisions of the Board's Order after entry of the judgment only to the extent that it has not already done so.

UNITED STATES POSTAL SERVICE
Respondent

Signed: 
Title: 

1720 ~~1720~~ 84 R- 7. 7
Number and Street

58 / 345 PC 7 7
City State Zip Code

SOUTHWEST MICHIGAN AREA
LOCAL 143 AMERICAN POSTAL
WORKERS UNION, AFL-CIO

Charging Union

By: *[Signature]*

Title: President

2790 ~~2790~~ 51
Number and Street

1-210 ~~1-210~~ 01 1-210
City State Zip Code

Approval recommended:

[Signature]

Date: 1/7/15

Robert Buzaitis, Field Attorney
National Labor Relations Board, Seventh Region
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 300
Detroit, Michigan 48226

Approved By:

[Signature]

Date: 1/7/2015

Terry Morgan, Regional Director
National Labor Relations Board, Seventh Region
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 300
Detroit, Michigan 48226

APPENDIX A

(To be printed and posted on official Board notice form - PURSUANT TO A SETTLEMENT STIPULATION PROVIDING FOR A BOARD ORDER AND/OR CONSENT JUDGMENT OF ANY APPROPRIATE U.S. COURT OF APPEALS)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose a representative to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights

WE WILL NOT refuse to bargain collectively and in good faith with Southwest Michigan Area Local 193, American Postal Workers Union (APWU - AFL-CIO Union) as the servicing representative of the exclusive collective-bargaining representative of our employees in the following appropriate Unit at our Kalamazoo, Michigan area facilities:

All employees in the bargaining unit for which the American Postal Workers Union, AFL-CIO, has been recognized and certified at the national level, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 9-375, 1201(2), all Postal Inspection Service Employees, employees in the supplemental work force as defined in Article 7, Rural Letter Carriers, Mail handlers, and Letter carriers.

WE WILL NOT unreasonably delay providing necessary and relevant information requested by the Union to perform its responsibilities as the servicing representative of the exclusive collective-bargaining representative of our employees in the Unit or any other labor organization at our Southwest Lower Michigan and Kalamazoo, Michigan facilities.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act

WE WILL NOT in any other manner fail and refuse to bargain collectively and in good faith with the Union as the servicing representative of the exclusive collective bargaining representative of our employees in the Unit at our Southwest Lower Michigan and Kalamazoo, Michigan facilities.

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12-5

WE WILL, upon request, bargain collectively and in good faith with the union, as the servicing representative of the exclusive collective bargaining representative of our employees in the Unit at our Southwest Lower Michigan and Kalamazoo, Michigan facilities.

UNITED STATES POSTAL SERVICE

(Employer)

Dated: _____ By: _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to an agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6372). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

47500 MISSION AVENUE

Telephone: (313) 561-3300

RM 300

DETROIT, MI 48226-2543

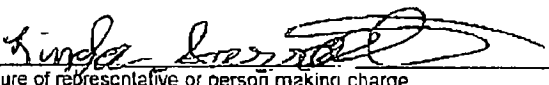
OK
4-2

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
07-CA-135950	Sept 4, 2014

INSTRUCTIONS

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer UNITED STATES POSTAL SERVICE	210	
c. Address (street, city, state, ZIP code) 1121 MILLER RD KALAMAZOO MI 49001	d. Employer Representative DAVID WYATT	e. Telephone No. 269-388-7200 Fax 269-388-7201
f. Type of Establishment (factory, mine, wholesaler, etc.) Postal Service	g. Identify principal product or service Mail Delivery	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) list subsections (5) and of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
<p>During the past six months, the above named Employer has failed and refused to bargain in good faith with the Union by refusing to provide relevant and necessary information. (Please see attachment). By these actions, and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act. On 7-8-14 and subsequently on 7-29-14 union submitted a request never acted upon. On 7-19-14 and subsequently 7-29-14 the Union submitted a request which was never acted upon regarding bids. On 8-22-14 a request was submitted () on 8-25-14 management requested reason for request. The union replied the same day. On 8-27-14 the Union made a second request of the information. No response has been received as of this date. This particular case regards a removal. Info request dated 8-22-14 () and subsequently resubmitted on 8-27-14. No response. Dealing with Management performing bargaining unit work.</p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number)		
SOUTHWEST MI AREA LOCAL #143		
4a. Address (street and number, city, state and ZIP code)	4b. Telephone No.	
2970 S 9TH STREET KALAMAZOO MI 49009	269-823-8586	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization).		
AMERICAN POSTAL WORKERS UNION		
6. DECLARATION		
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief		
By  Signature of representative or person making charge	PRESIDENT (Title if any)	
2970 S. 9 TH ST. KALAMAZOO MI 49009 (Address)	269-823-8586 (Telephone No.)	9-4-14 (Date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT

2. Basis of Charge:

1. Date of request:	2. name/title of person requesting information:	3. Name/title of person to whom the request was submitted:	4: Request made orally, or in writing?	5. Describe generally the requested information that has not been provided:
7-9-14	LINDA SARRATT	DAVE WYATT	WRITING	DEALING WITH BIDS
7-19-14	LINDA SARRATT	DAVE WYATT	WRITING	VICKI BEALE PROPER USE OF A BID POSITION
7-19-14	LINDA SARRATT	DAVE WYATT	WRITING	VICKI BEALE PROPER USE OF A BID POSITION
8-22-14	LINDA SARRATT	DAVE WYATT	WRITING	TRAYER REMOVAL
8-22-14	LINDA SARRATT	DAVE WYATT	WRITING	INFORMATION TO INVESTIGATE THE ALLEGATION OF MANAGEMENT DOING BARGAINING UNIT WORK IN ABSENCE OF AN EMERGENCY

RECEIVED
NLRB
2014 SEP -4 AM 9:18
RESIDENT OFFICE
REGION 7
GRAND RAPIDS, MI

sep-04-2014 11:06 AM 2014 SEP -4 AM 9:18 RECEIVED NLRB

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SEVEN**

UNITED STATES POSTAL SERVICE

Respondent

and

Case 07-CA-135950

**SOUTHWEST MICHIGAN AREA LOCAL 143,
AMERICAN POSTAL WORKERS UNION, AFL-
CIO**

Charging Union

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by the Charging Union. It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., the Postal Reorganization Act, 39 U.S.C. § 101 et seq. (PRA), and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that (Respondent) has violated the Act as described below.

1. The charge in this proceeding was filed by the Charging Union on September 4, 2014, and a copy was served on Respondent by U.S. mail on the same date.
2. Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including facilities located in Southwest Lower Michigan and Kalamazoo, Michigan.
3. The Board has jurisdiction over Respondent and this matter by virtue of Section 1209 of the PRA.
4. At all material times, the American Postal Workers Union, AFL-CIO (the National Union) and the Charging Union, have each been a labor organization within the meaning of Section 2(5) of the Act.
5. At all material times, David Wyatt has held the position of Postmaster and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

Exhibit C

6. The employees of Respondent described in Article 1 (Union Recognition) of the collective bargaining agreement between Respondent and the National Union described below in paragraph 7 (the Unit), constitute a unit appropriate of the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

7. At all material times, Respondent has recognized the National Union as the exclusive collective bargaining representative of the Unit. This recognition has been embodied in successive collective bargaining agreements, the most recent of which is effective from November 21, 2010 to May 20, 2015.

8. At all material times, based on Section 9(a) of the Act, the National Union has been the exclusive collective bargaining representative of the Unit.

9. At all material times, the Charging Union has been the designated servicing representative of the National Union for employees in the Unit employed at the Employer's Kalamazoo, Michigan facility, and throughout the geographical jurisdiction of the Charging Union.

10. Since about the dates set forth below, the Charging Union has requested in writing that the Respondent furnish the Charging Union with the following information:

	Date(s) of Request	Request No.	Description of Requested Information
a.	July 9 and July 29, 2014	4-14	i. Copy of any and all documentation regarding Bid # 95624792, 95658380, 95667913 and 95609502 and proof that these residual vacancies have been sent to the ADR Process ii. Interview all clerks regarding duties of Julie Raymond bid, as well as, Karen Balch.
b.	July 9 and July 29, 2014	6-14	Request bid # for which Beale schedule has been changed to be in relief date which Beale was assigned to take over the schedule.
c.	August 22 and August 27, 2014	11-14	i. Interview all window clerks in Westwood and Miller Rd Office ii. Copy of posted document at Miller Rd which informs window personnel they must request a supervisor to get hold mail or parcels iii. Interview with supervisors Jim Klop, Karen Balch and Jeff Caille iv. Copy of Service talks given to employees at Miller Rd and Westwood regarding wait time in line

	Date(s) of Request	Request No.	Description of Requested Information
d.	August 22 and August 27, 2014	10-14	i. Copy of any and all Form 50 for Nicholas Trayer since hiring into the Post Office including initial and subsequent appointments ii. Copy of just cause fact sheet for Trayer removal iii. Copies of any and all performance evaluations for Nicholas Trayer iv. Copy of all Customer Service PSE Form 50 since 2010 regardless of whether or not they are still employed by the USPS in customer service of the Kalamazoo bid cluster v. Interview with Jan Weyrick LD&D Specialist

11. The information requested by the Charging Union, as described above in paragraph 10, is necessary for, and relevant to, the Charging Union's performance of its duties as the designated servicing representative of the exclusive collective bargaining representative of the Unit.

12. (a). From about July 9, 2014 to August 18, 2014, Respondent unreasonably delayed in furnishing the Charging Union with information requested by it as described above in paragraph 10(a).

(b). From about July 9, 2014 to September 25, 2014, Respondent unreasonably delayed in furnishing the Charging Union with information requested by it as described above in paragraph 10(b).

(c). From about August 22, 2014 to September 16, 2014, Respondent unreasonably delayed in furnishing the Charging Union with information requested by it as described above in paragraph 10(c).

(d). From about August 22, 2014 to September 17, 2014, Respondent unreasonably delayed in furnishing the Charging Union with information requested by it as described above in paragraph 10(d).

13. By the conduct described above in paragraph 12, Respondent has been failing and refusing to bargain collectively and in good faith with the Charging Union as the servicing representative of the exclusive collective-bargaining representative of the Unit in violation of Section 8(a)(1) and (5) of the Act and within the meaning of the PRA.

WHEREFORE, it is prayed that Respondent be ordered to:

1. Cease and desist from:

(a). engaging in the conduct described above in paragraph 12, or in any other manner interfering with, restraining, or coercing its employees in the exercise of rights guaranteed in Section 7 of the Act;

(b). engaging in the conduct described above in paragraph 12, or in any other manner refusing to bargain collectively and in good faith with the Charging Union as the servicing representative of the exclusive collective-bargaining representative of the Unit or any other labor organization.

2. Take the following affirmative action:

Post appropriate notices.

The General Counsel further prays for such other relief as may be just and proper to remedy the unfair labor practices herein alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before Friday, November 7, 2014, or postmarked on or before Thursday, November 6, 2014.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a

pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **Wednesday, January 7, 2015, at 10:00 a.m. at the Grand Rapids Resident Office, located in the Gerald R. Ford Federal Building, at 110 Michigan Street, N.W., Room 299 in Grand Rapids, Michigan**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: October 24, 2014

Terry Morgan
Regional Director
National Labor Relations Board
Region 7
477 Michigan Ave Rm 300
Detroit, MI 48226-2543

Attachments

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION SEVEN**

UNITED STATES POSTAL SERVICE

and

Case 07-CA-135950

**SOUTHWEST MICHIGAN AREA LOCAL 143,
AMERICAN POSTAL WORKERS UNION, AFL-
CIO**

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on October 24, 2014, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

David Wyatt, Postmaster
United States Postal Service
1121 Miller Road
Kalamazoo, MI 49001

**CERTIFIED MAIL, RETURN
RECEIPT REQUESTED**

7006 0810 0000 2869 5990

Roderick D. Eves, Deputy Managing Counsel
United States Postal Service
(Law Department - NLRB Unit)
1720 Market Street, Room 2400
Saint Louis, MO 63155-9948

REGULAR MAIL

Tonya L. Kennish, Paralegal Specialist
United States Postal Service
(Law Department - NLRB Unit)
1720 Market St Rm 2400
Saint Louis, MO 63155-9948

REGULAR MAIL

Linda Sarratt, President
Southwest Michigan Area Local 143, American
Postal Workers Union (APWU), AFL-CIO
2979 S 9th St
Kalamazoo, MI 49009-

CERTIFIED MAIL

7006 0810 0000 2869 6898

October 24, 2014

Ann O'Neal-Jones, Designated Agent of
NLRB

Date

Name

/s/

Signature

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 07-CA-135950

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

David Wyatt, Postmaster
United States Postal Service
1121 Miller Road
Kalamazoo, MI 49001

Tonya L. Kennish, Paralegal Specialist
United States Postal Service
(Law Department - NLRB Unit)
1720 Market Street, Rm 2400
Saint Louis, MO 63155-9948

Roderick D. Eves, Deputy Managing Counsel
United States Postal Service
(Law Department - NLRB Unit)
1720 Market Street, Room 2400
Saint Louis, MO 63155-9948

Linda Sarratt, President
Southwest Michigan Area Local 143,
American Postal Workers Union (APWU),
AFL-CIO
2979 S 9th St
Kalamazoo, MI 49009

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in

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evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.

- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.

- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.

- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.